

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

SHIKEB SADDIOZAI,  
Plaintiff,

v.

PETER NELSON. et al.,  
Defendants.

Case No. 18-04492 BLF (PR)

**ORDER REVOKING *IN FORMA*  
PAUPERIS STATUS ON APPEAL**

Plaintiff, a state prisoner, filed this civil action pursuant to 42 U.S.C. § 1983 against Officer Riney of the Daly City Police Department for excessive force, and was granted leave to proceed *in forma pauperis* (“IFP”). Dkt. No. 14. On August 21, 2020, the Court dismissed the complaint without prejudice because Defendant had not been served in this action in the time provided under Federal Rule of Civil Procedure 4(m). Dkt. No. 38. The sole named defendant had died and the Court provided Plaintiff with notice of the death and 90 days to identify a successor or representative that the U.S. Marshal could serve. *Id.* Upon failure to comply, the case was dismissed without prejudice. *Id.*


The Ninth Circuit has referred this matter back to this Court for the limited purpose of determining whether IFP status should continue on appeal or whether the appeal is frivolous or taken in bad faith. Dkt. No. 18. The Court finds that the appeal is frivolous

1 since the dismissal was proper. *See* 28 U.S.C. § 1915(a)(3). Accordingly, Plaintiff's IFP  
2 status is **REVOKED**.

3 The Clerk shall send a copy of this order to Plaintiff as well as to the Ninth Circuit.

4 **IT IS SO ORDERED.**

5 Dated: September 22, 2020

  
BETH LABSON FREEMAN  
United States District Judge

United States District Court  
Northern District of California

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